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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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No. 05

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WEEK IN REVIEW

HOUSE

The House amended and sent to the Senate H.4535, the Legislative Incentives for Future Excellence (LIFE) Scholarship bill. The bill provides \$2,000 per year for full-time attendance at South Carolina four-year colleges and \$1,000 per year for full-time attendance at the state's two-year colleges to students who meet specified academic and residency requirements. To be eligible for LIFE Scholarship, a student must graduate high school with at least a 3.0 grade point average (on a 4.0 scale) and a minimum score of 1000 on the Scholastic Aptitude Test (SAT), or an equivalent score on the ACT beginning with the 1998-99 school year. The minimum SAT/ACT score requirement does not apply to scholarships to two-year institutions of higher learning, including technical schools. The minimum SAT/ACT score requirement will be raised to 1050 beginning school year 2000-2001, and 1100 beginning school year 2002-2003. By the year 2000, students graduating from high school must comply with the curriculum requirements of the *STAR diploma (*college preparation or technical preparation track as prescribed by the State Board of Education) to be eligible for the LIFE scholarship. A student who does not meet the SAT requirement as a graduating high school senior may earn the scholarship after his freshman year in a four-year institution of higher learning, if the student earns a 3.0 grade point average on a 4.0. scale. The student will lose the scholarship if he does not maintain a 3.0 grade point average, but the scholarship may be reinstated after one year if the student's grade point average improves to a cumulative 3.0. Students must also pass thirty credit hours each year to maintain the scholarship. Scholarships may only be used at institutions of higher learning in the state which meet certain criteria, usually accreditation from the Southern Association of Colleges and Schools (SACS).

The House amended the bill so as to include Bob Jones University as an institution which may receive LIFE Scholarship funds. Before the amendment, Bob Jones University was not an eligible institution insofar as it does not obtain accreditation from the Southern Association of Colleges and Schools (SACS).

One amendment provides for special review by the Commission on Higher Education and possible waiving of certain requirements in the case of applicants for a LIFE Scholarship who are enrolled at the SC School for the Deaf and Blind or the Wil Lou Gray Opportunity School.

Under the bill as introduced, an individual is ineligible for the LIFE Scholarship if he has been convicted, adjudicated delinquent, or plead *nolo contendere* to a felony; an amendment approved by the House expands the language to include any drug-related offenses.

An amendment requires all institutions participating in the LIFE Scholarship Program to report their enrollment and other relevant data as solicited by the Commission on Higher Education, which may audit the institutions to ensure compliance with the program.

H.4535 was given third reading and sent to the Senate.

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The House debated, amended, and ordered cloture on the discussion of H.4115 which prohibits the state of South Carolina and its political subdivisions from using race, sex, color, ethnicity, or national origin as a criterion for either discriminating against or granting preferential treatment to any individual or group in the state's system of public employment, education, or contracting.

The House gave second reading to Joint Resolution H.4303 which proposes amending the South Carolina Constitution by removing the prohibition on the marriage of a white person with a negro, mulatto, or person with at least one-eighth negro blood. The prohibition on interracial marriages is contained in the state constitution, but, currently carries no force of law insofar as it has been held to violate the United States Constitution.

The House approved concurrent resolution H.4576 declaring February 8, an annual honorary day for acknowledging the courage of the three young men slain in the Orangeburg Massacre of 1968.

In a special presentation on Wednesday, February 4, the House received a rare South Carolina Civil War flag from South Carolina resident, and stage, screen, and television actor, Tom Berenger.

The House approved Joint Resolution S.928 which proposes amending the South Carolina Constitution by allowing the General Assembly to specify which crimes and crime victims prompt the notification and other requirements guaranteed under the state constitution's Victim's Bill of Rights. The proposed constitutional amendment will be placed before the state's voters at the next general election.

The House approved and enrolled for ratification S.380, which provides the Director of the Department of Insurance an alternative remedy by which he may halt the unauthorized transaction of insurance business. Presently, the director may file a complaint in the Richland County Court of Common Pleas seeking a restraining order and an injunction. As an alternative, S.380 allows the Insurance Department Director to issue an emergency cease and desist order against anyone he reasonably believes has engaged in, or is about to engage in, an unauthorized transaction of insurance business. Such emergency orders may be contested in a public hearing before an administrative law judge, who may make an emergency cease and desist order permanent. The administrative law judge may stay the enforcement of the emergency order, but a stay may be accompanied by a requirement that bond be posted. If no request for a public hearing is received within ten days of the receipt of the emergency cease and desist order, then, upon application of the Director and without a public hearing, the administrative law judge must make the emergency order a permanent cease and desist order. Following a public hearing, an administrative law judge may impose a penalty of up to fifty thousand dollars per violation, if he determines that the person engaged in the unauthorized transaction of insurance business knew, or should have known, his actions violated the law. A penalty of up to twenty-five thousand dollars per violation may be imposed by a circuit court on anyone transacting business in violation of a permanent cease and desist order. The bill also provides that one who wilfully conducts an unauthorized transaction of insurance business is guilty of a felony rather than a misdemeanor.

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This approved and enrolled for ratification S.204 which raises from twenty to thirty the number of days within which an insurance broker must file a written request with the Department of Insurance for approval of placing insurance with a surplus lines insurer. Under the bill, the broker must still file the request for approval by the effective date of the policy, if the effective date falls before the thirty-day period has elapsed. Surplus lines insurance encompasses certain group and self-insured's life, accident, and health insurance coverage which a licensed insurance broker places with an insurer not licensed to do business in the state.

The House agreed to Senate amendments to H.3590 and ordered the bill enrolled for ratification. This bill prohibits the use of artificial lights from any vehicle or water conveyance for the purpose of observing or harassing wildlife. The bill states that an owner of real property or a person with a legal interest in real property may use artificial lights from any vehicle or water conveyance for the purpose of surveying or protecting the property. Furthermore, a person or group engaged in research or documentary filming may observe wildlife with the use of artificial lights when done with written permission of the landowner and/or leaseholder of the property. A person also may use artificial lights to survey or protect the property.

The House agreed to Senate amendments to H.4466 and ordered the bill enrolled for ratification. The bill updates the version of the Internal Revenue Code cited for use in taxation.

The House refused to concur in Senate amendments to H.3605 which allows a county treasurer to enforce collection of a check that is returned unpaid or is dishonored for the payment of county or municipal taxes, so long as no person is twice put in jeopardy for the same offense; provides that county or municipal taxes which remain unpaid as a result of a check being dishonored or returned unpaid constitute a lien on the property subject to the tax until the taxes and all penalties, interest and other charges due are paid in full. The House appointed members to a conference committee to resolve the differences of the two bodies.

The House amended and returned to the Senate S.220, which provides that a person is guilty of a nuisance for using a building or other place for the purposes of lewdness, assignation, prostitution, repeated acts of unlawful possession or sale of controlled substances, or continuous breach of the peace.

The House amended and sent to the Senate H.3617 makes it a felony to clone or conspire to clone a human being by any method. Violators are subject to fines of up to \$5000 or imprisonment for up to five years or both. The House amended the bill to specifically prohibit the use of state funds to clone a human being, and to provide for the suspension of any state-issued professional or occupational licenses held by violators the prohibition on cloning.

The House sent to the Senate H.4412, which provides that a person charged with a magistrate's court or municipal court offense may waive his appearance before the court and post a bond in an amount previously approved by the court

The House sent to the Senate H.4063 which clarifies and updates the laws governing the South Carolina Mental Health Commission and community mental health centers. The bill includes a provision stating that any person who cannot afford to pay for necessary treatment at the rate customarily charged in available private practice is eligible to receive services from the community mental health clinic.

SENATE

The Senate gave final reading to S.290 and sent the bill to the House. This legislation concerns the way property confiscated pursuant to the seizure of controlled substances must be allocated (see Bill Introductions - Judiciary Committee). The Senate also gave final reading to S.621. This bill states that a motor vehicle over 30 years old and used for general transportation may bear the license plate of the vehicle's model year instead of its current registration plate, if the current registration plate is maintained within the motor vehicle and produced upon request of a law enforcement officer. The Senate passed H.4469, which directs the commissioners of pilotage to establish certain short branch license requirements and which revises the levels which an apprentice must obtain before being licensed in the port of Charleston. The bill has been enrolled for ratification. S.477 received second reading on Thursday and third reading on Friday; this bill allows a credit for retirement income if the contributions were taxable income in another state. The Senate sent S.898 to the House. This concurrent resolution requests the establishment of a procedure for transmitting to the Code Commissioner any unpublished federal opinion decided in the district which invalidates or affects the interpretation of a South Carolina statute, act, code section, or resolution.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

The Committee on Agriculture, Natural Resources and Environmental Affairs Committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet.

JUDICIARY

The House Judiciary Committee amended and passed H.3842, which extends the provisions of Truth in Sentencing to all crimes and establishes advisory sentencing guidelines for crimes with maximum penalties of one year or more. The bill states that the court should consider the guidelines when determining the appropriate sentence for applicable criminal offenses.

The advisory sentencing guidelines use a two-dimensional grid to determine the appropriate sentence for offenders. The offense with the greatest possible maximum penalty is used to select the appropriate horizontal severity level on the grid. The current conviction score and the prior record score are combined to create the appropriate vertical level on the grid. The appropriate sentencing grid cell is then selected based on the intersection of these two levels. Within each grid cell, there are three sentencing ranges - the presumptive range (for cases with no extraordinary circumstances), the aggravating range (for cases warranting a longer sentence because of aggravating sentences), and the mitigating range (for cases warranting a lesser sentence because of mitigating factors).

The bill also gives the court discretionary authority to determine if a departure from the guidelines' recommendation is warranted. The court may consider such factors as whether the defendant assisted in the investigation or prosecution of another person, or whether the defendant caused the victim to suffer protracted physical or mental harm.

The bill also extends the provisions of Truth in Sentencing to all crimes. A prisoner convicted of a crime and sentenced to the Department of Corrections would not be eligible for early release, discharge, or community supervision until the prisoner has served 85% of the actual term of imprisonment imposed (the provisions of Truth in Sentencing currently apply only to "no parole offenses"). This percentage must be calculated without the application of earned work credits, education credits, and good time credits. All or part of these credits may be forfeited at the discretion of the Director of the Department of Corrections if the offender commits an offense or violates one of the rules of the institution.

The full committee also passed H.4355, which prohibits the issuance of a liquor license to a business within 300 feet of a child daycare facility in a municipality or to a business within 500 feet of a child daycare facility outside a municipality. The committee amended the bill to provide that the restrictions do not apply to new applications for locations if the child day care facility moved to a location within the prohibited distance during a prior period of licensure.

S.89 received a favorable recommendation as well. This bill concerns orders of protection in cases of abuse to a family or household member. An order of protection may temporarily enjoin the respondent from abusing, threatening to abuse, or communicating with the petitioner. Current law states that an order of protection must be for a fixed time not to exceed one year. This bill states that the order must be for a fixed time not less than six months nor more than one year. The bill was amended to allow parties who reconcile to agree to dismiss the order if the petitioner appears personally at the offices of the issuing court, shows proper identification, and signs a written request to dismiss based on the reconciliation.

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The full committee also passed out two other measures: H.4467, which increases the penalty for violating provisions of the Uniform Securities Act, and H. 4423, which provides that the sine die adjournment date is shortened by one statewide legislative day for each day before March 31 that the annual appropriations act is given third reading by the House of Representatives .

LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Committee on Medical, Military, Public and Municipal Affairs met on Wednesday, February 4, and gave a favorable report to H.4364 and H.3013. H.4364 excludes kidney disease treatment centers, including free standing hemodialysis centers, from the Certificate of Need process. Health care facilities must apply for a Certificate of Need prior to constructing a new facility or modifying an existing facility, and before any expenditure or acquisition is made on behalf of a health care facility in excess of amounts prescribed by DHEC regulations. H.3013 exempts a cosmetologist who is at least 60 years old and who has possessed a cosmetology license for at least 15 consecutive years from taking continuing education courses.

The Committee gave S.567 a favorable report. This bill rewrites the medical practice act for cosmetologist, manicurists, and estheticians to make it conform to the administrative framework established for all boards and commissions administered by the Department of Labor, Licensure and Regulations (LLR). The bill revises the composition for the Board of Cosmetology to ensure representation of all professionals governed by the board. The definition of the term "Beauty Salon" is clarified. A definition is added for an "independent contractor." A new ground for disciplinary action is added for use of a substance or device that is not prescribed for cosmetic use by state or federal agencies. The bond requirement for a cosmetology school license is increased from \$5,000 to \$10,000. The bill was amended to correct a draft error.

WAYS AND MEANS

The Ways and Means Committee adopted a "zero" proviso base and a "zero" appropriation base for the 1998-99 budget. \$4,926,000,000 was adopted as a working estimate for Fiscal Year 1998-99 revenue. This figure excludes the estimated \$61,000,000 that was anticipated from video poker revenue.

The committee also received a report on revenues available for Fiscal Year 1998-99, from Dr. William C. Gillespie, Chief Economist for the Board of Economic Advisors (BEA). Dr. Gillespie reported that, after considering the economic and legislative impacts that will affect both the FY1997-98 and FY1998-99 General Fund Revenue estimates, the BEA revised its estimate for FY1997-98 upward by \$60 million to \$4,740,000,000. The BEA adopted a revenue estimate

of \$4,987,000,000 for FY1998-99, an increase of \$307 million of General Fund revenue available over that in the FY1997-98 Appropriation Act. There are an estimated \$44 million of new tax reductions in the FY1998-99 General Fund Revenue estimate, and a total of \$144 million of tax reductions over the last three fiscal years. Total General Fund Revenue is forecast to grow 3.3% in FY1997-98 and 5.2% in FY1998-99.

After hours of debate and discussion, the Committee reported out a committee-sponsored bill (H.4577) which, effective June 1, 1999, adds video poker machines and certain other coin-operated machines or devices used for gambling, to those machines which are prohibited and subject to seizure and destruction. The bill also subjects persons who keep or play the machines to fines and imprisonment.

BILLS INTRODUCED IN THE HOUSE

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

S.835 REPORTING HUNTING ACCIDENTS Sen. Peeler

This bill repeals Section 50-1-95 which requires the reporting of hunting accidents that result in injury or death. Since hunting accidents involving firearms or archery tackle are investigated to determine if a crime has occurred (50-1-85), Section 50-1-95 is not needed.

S.388 LIMITS ON TAKING BASS IN LAKES MARION AND MOULTRIE Sen. Mescher

This bill makes it a misdemeanor to take or possess largemouth bass that are less than 12 inches long or to take or possess more than 5 largemouth bass in one day in Lakes Marion and Moultrie, and in certain parts of the Santee River and its tributaries.

H.4567 MIGRATORY GAME BIRD PERMIT Rep. Witherspoon

This bill requires a person hunting migratory birds to obtain a migratory game bird permit from the Department of Natural Resources. There is no cost for the permit.

S.972 CREATION OF THE ENOREE RIVER GREENWAY COMMISSION Sen. Bryan

This bill creates the Enoree River Greenway Commission (1) to promote the use of the Enoree River; (2) to promote tourism, outdoor recreation, and enjoyment; (3) to promote the development of historical resources; and (4) to foster conservation and wise use of natural resources. The Commission is governed by a twelve-member Board of Directors whose members are appointed to serve three-year terms. The Commission's jurisdiction is limited to Laurens, Newberry, Union, and Spartanburg counties.

EDUCATION AND PUBLIC WORKS

H.4572 SUNSCREEN DEVICES ON MOTOR VEHICLES Rep. Jennings

This bill increases the minimum required light transmission of suncreening devices that may be installed on certain windows of a motor vehicle. The bill raises the minimum-required combined light transmission of a single suncreening device with the factory or manufacturer installed suncreening material from 27% to 50% on side windows, and raises the minimum required light transmission of a suncreening device to be applied to the rear-most window from 20% to 27%. Beginning in 1999, the bill requires that the combined light transmission of a single suncreening device with a factory or manufacturer installed suncreening material, to be applied to the rear-most window, must not be less than 50% (current minimum is 27%). "Sunscreen device" is defined as a film material or device that is designated to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of sun. "Light transmission" is defined as the ratio of the amount of total visible light to pass through a product or material to the amount of the total light falling on the product or material.

H.4584 PUPIL-TEACHER RATIOS Rep. J. Smith

This bill requires that by school year 1999, school districts must attain an average pupil-teacher ratio in kindergarten through grade six of 27:1; and by the school year 2000, the ratio must be 25:1. The bill does not change the currently required 21:1 reading and mathematics pupil-teacher ratios in grades one through three. The bill provides a waiver of the requirements under certain conditions, and provides that beginning with school year 2001, a school district violating the required ratios will have its state aid for the following school year reduced proportionate to the variance between the district's actual pupil teacher-ratio and the ratio required by the bill.

H.4587 STUDY OF CONSTITUTION AND DECLARATION OF INDEPENDENCE Rep. Bauer

This bill requires that on November 11 of each year (a legal holiday in South Carolina), to commemorate and honor all veterans, all elementary, middle, and high schools in South Carolina, if they are open, must devote the entire school day to a study of the *US Constitution* and the *Declaration of Independence*. If these schools are not open on November 11, they must give this instruction on the day the school is open immediately preceding November 11.

H.4590 SOUTH CAROLINA ALTERNATIVE PILOT SCHOOLS ACT Rep. Barfield

This bill adds a chapter to Title 59 of the *SC Code of Laws*, establishing an alternative pilot school program for students expelled from the sixth through the twelfth grades. The bill specifies that the State Board of Education (the "Board") may provide for the establishment and operation of two full-time residential, public, noncompulsory, nonsectarian, nonreligious, nonhome-based pilot schools, and that the Board shall consider placement of the schools in geographic areas that provide the easiest access to the maximum number of "expelled" and "at-risk" students (as defined in the bill) eligible to attend the pilot schools. These schools are established beginning with the 1999-2000 school year contingent upon sufficient funding being provided by the General Assembly.

The bill specifies: minimum enrollment numbers and the division of the enrollment between "expelled" and "at-risk" students; length of school day and school year; operational environment for the school; accountability to the state board; mutual responsibility agreements between parents or legal guardians and the student for provision of services to the school; authorization for the pilot school to operate, pursuant to contract, free from school district, state, and contractual policies, laws, regulations, and requirements; and the pilot school's responsibility for its own operation in terms of budget preparation, personnel, etc. The bill provides that the Board must promulgate regulations for the applications to operate a pilot school, and specifies areas that the regulations must cover. The bill makes provisions for the appointment, responsibilities, and composition of a selection committee to review these applications; delineates requirements for filing, awarding, and terms of contracts to operate a pilot school and to renew an application to operate a pilot school; and delineates conditions under which the Board may close or not renew an application for a pilot school. The bill requires that school districts must grant up to three years leave, under specified conditions, to district employees who request to be employed at a pilot school. The bill requires that the Board evaluate the pilot schools in a specified manner and present annual reports on the schools' progress to the General Assembly. The bill provides for application, admission, and disciplinary (includes suspension and expulsion) procedures for the schools, and requires that a pilot school contract with a university or universities to track student progress.

JUDICIARY

H.4557 COCAINE AND CRACK COCAINE Rep. Davenport

This bill equalizes the penalties for unlawful possession of cocaine with the penalties for unlawful possession of crack cocaine. The penalties for possession of cocaine with intent to distribute are equalized with the penalties for possession of crack cocaine with intent to distribute. Under the provisions of the bill, a person who possesses or attempts to possess less than 10 grains of cocaine or less than one gram of ice, crank, or crack cocaine, is guilty of a felony and, upon conviction for a first offense, must be imprisoned not more than 5 years and fined not less than \$5,000. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than 10 years and fined not less than \$10,000. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not less than 10 years nor more than 15 years and fined not less than \$15,000.

A person who manufactures, dispenses, distributes, or purchases ice, crank, crack cocaine, or cocaine is guilty of a felony and, upon conviction for a first offense, must be sentenced to a term of imprisonment of not more than 15 years and fined not less than \$25,000. For a second offense, the offender must be imprisoned for not more than 25 years and fined not less than \$50,000. For a third or subsequent offense, the offender must be imprisoned for not more than 30 years and fined not less than \$100,000. Furthermore, possession of one or more grams of ice, crank, or crack cocaine, or of more than ten grains of cocaine is prima facie evidence of a violation of this section.

H.4565 PUNISHMENT FOR MURDER Rep. Easterday

Under the provisions of this bill, a person convicted of murder must be sentenced to life imprisonment, a mandatory minimum term of imprisonment for 30 years, or death. A sentencing judge has discretion to impose any of these sentences despite the jury's recommendation, with the exception that a jury's finding of an aggravating circumstance and recommendation for death is binding. If members of the jury after a reasonable deliberation cannot agree on a recommendation as to whether or not the death sentence should be imposed, the trial judge must sentence the defendant to either life imprisonment, a mandatory minimum term of imprisonment of 30, or death.

H.4575 CONDEMNATION OF PROPERTY Rep. Harrison

Under the Eminent Domain Procedures Act, several factors may be admitted as evidence and considered by the judge or jury determining the value of land sought to be condemned in order to adequately compensate the landowner. This bill concerns a condemnation action affecting the property of a public utility. If the rate of return of the public utility is set by a regulating agency, the bill requires the question of valuation of compensation payable for property to include consideration of the replacement cost of the property, less depreciation, when the condemnation involves all or a substantial portion of the property of the regulated public utility.

S.290 FORFEITURE PROCEDURES Sen. Anderson

The bill allocates property taken pursuant to an illegal drug seizure. The bill states that 50 percent of the confiscated property must be provided to the law enforcement agency, 25 percent must be given to private citizens who provide information that leads to an arrest and forfeiture of the property, 20 percent goes to the prosecuting agency, and the remainder must be deposited in the State's general fund.

H.4581 SESSIONS OF THE GENERAL ASSEMBLY Rep. J. Smith

This joint resolution would amend the State Constitution to provide for sessions of the General Assembly commencing on the second Tuesday in February, provide for an organizational session for the Senate as well as the House of Representatives in even-numbered years, delete obsolete language, and provide for election of officers of the General Assembly at the organizational sessions.

H. 4582 HOUSE AND SENATE ETHICS COMMITTEES Rep. J. Smith

This bill states that formal hearings on a matter convened by the House or Senate Ethics Committee must be open to the public after it has determined that probable cause exists to support an alleged breach of privilege or rule, misconduct, or other violation of law.

The bill also provides that the House or Senate Ethics Committee may disclose information at any stage of the proceedings under specified circumstances. However, the work product of the staff and the House or Senate Ethics Committee deliberations and records of the committee's deliberations may not be disclosed to the public.

H. 4585 GENERAL ASSEMBLY ADJOURNMENT Rep. J. Smith

This bill states that the regular annual session of the General Assembly must adjourn sine die each year not later than 5:00 p.m. on the first Thursday in May. In any year that the House

fails to give third reading to the state budget bill by the last Thursday in February, the date of sine die adjournment would be extended by one statewide day for each statewide day after the last Thursday in February that the House fails to give the bill third reading. The bill also deletes the authority of the General Assembly to extend the session by concurrent resolution.

H.4589 SETOFF DEBT COLLECTION ACT Rep. Klauber

The Setoff Debt Collection Act allows certain agencies to set off a delinquent debt against the debtor's income tax refund. This legislation would include the South Carolina Association of Housing Authority Executive Directors as an entity which could use the collection remedy authorized by the Setoff Debt Collection Act.

LABOR, COMMERCE AND INDUSTRY

H.4566 CITY HOUSING AUTHORITY'S SURPLUS REAL PROPERTY Rep. Klauber

This bill places additional conditions on when a city housing authority may sell real property as surplus. Under the bill, a city housing authority cannot sell its real property as surplus if the real property can be used by the authority for low income home ownership programs or other uses other than the intended purpose for which the real property was originally purchased. A city housing authority may not sell real property as surplus if the property can be exchanged or sold to a state or local public body which desires to use the property for its own projects. Real property cannot be sold as surplus if the property may be sold or exchanged in the implementation of a slum clearance or redevelopment project. All of the alternatives for disposing of property require the approval of the city housing authority commissioners and the approval of the council of the city for which the authority was created.

H.4568 BOARD OF THE STATE PORTS AUTHORITY Rep. Harvin

This bill provides that, of the nine members of the Board of the State Ports Authority who are appointed by the Governor with the advice and consent of the Senate, five shall be selected from individuals engaged in the private maritime transportation industry.

H.4569 MORTGAGE LOAN BROKERS AND ORIGINATORS Rep. Cato

This bill provides that, beginning September 30, 1998, a mortgage loan broker must complete at least twelve hours of continuing professional education annually, and an originator must complete at least six hours of such education annually. Failure to complete continuing education requirements will result in the expiration of the license without an administrative hearing and a penalty not to exceed one hundred dollars for renewal. In order to qualify for licensure as a mortgage loan broker, an individual must have at least two years experience working as an originator under the supervision of a mortgage loan broker, or other specified equivalent experience. However, all mortgage loan brokers properly licensed as of October 1, 1998, may continue without showing proof of such experience, so long as they comply with the continuing education requirements imposed under the bill. The initial licensure fee for a mortgage loan broker is increased from five hundred to six hundred dollars. The annual renewal fee is increased from five hundred to six hundred dollars plus twenty-five dollars for each originator. An originator is defined as an employee of a mortgage loan broker whose primary job responsibilities include direct contact with, and the informing of, loan applicants of the rates, terms, disclosure, and other aspects of the mortgage.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

**H.4586 MINIMUM LOGGED SERVICE TIME FOR RESERVE
POLICE OFFICERS Rep. Neilson**

Reserve officers serve and function as law enforcement officers on specific orders and directions from the chief or sheriff. To maintain status, reserve police officers must maintain a minimum logged service time of 20 hours per month or 60 hours each quarter. This bill reduces the required minimum logged service time to 10 hours per month or 30 hours per quarter.

WAYS AND MEANS

H.4570 SALES TAX ON AUTOMOBILES Rep. Easterday

This bill provides that the purchase price paid at the end of the term of a consumer automobile lease if the sales tax has already been paid on the lease, is not included in the definition of "gross proceeds of sales," and is therefore not subject to sales tax.

H.4571 BONDED INDEBTEDNESS LIMITS Rep. Altman

This bill adds a section to the *SC Code of Laws* providing that a referendum on the question of raising the bonded indebtedness limit of a political subdivision or school district must be held on the date of the general election. The bill also provides that, for the question to appear on the ballot, it must be certified to the appropriate election commission at least forty-five days before the date of the general election.

H. 4573 POLICE OFFICERS' RETIREMENT SYSTEM Rep. Kirsh

This bill provides that a retired member of the Police Officers' Retirement System who has been restored to active employment by virtue of election to the office of sheriff is restored as a member of the system upon taking office and electing to cease receiving a retirement allowance. Credited service to which the sheriff was entitled when he retired is restored to the sheriff and upon subsequent retirement the allowance must be based on the sheriff's compensation and credited service before and after the period of prior retirement.

H.4579 REDEMPTION OF PROPERTY SOLD FOR DELINQUENT TAXES Rep. Cobb-Hunter

This bill eliminates the requirement for interest to be paid on the whole amount of the delinquent tax sale bid by a taxpayer, grantee, or mortgage or judgment creditor who redeems property sold for delinquent taxes. Under this bill, the required redemption payment would be the taxes, assessments, penalties, and costs, and the whole amount of the delinquent tax sale bid. Current law requires the redeemer to pay the taxes, assessments, penalties, and costs, together with eight percent interest on the whole amount of the delinquent tax sale bid, or in the case of redemption in the last six months of the redemption period, for all real property except the legal residence (under certain conditions), the current rate of interest is twelve percent.

H.4580 BIENNIAL APPROPRIATIONS ACT Rep. J. Smith

This bill provides that, beginning with the 1999 legislative session and in each session every two years thereafter, the General Assembly shall enact a biennial state general appropriations act. Currently, the General Assembly enacts an annual general appropriations act.

H.4583 BONDED INDEBTEDNESS LIMITS Rep. J. Smith

This bill provides that a referendum on the question of raising the bonded indebtedness limit of a political subdivision or school district must be held on the date of the general election.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (www.lpitr.state.sc.us) and click on the "Quick Find Guide." On the next screen, click on "Legislative Updates." This will list all of the *Legislative Updates* by date. Click on the date you need.

SPECIAL NOTE: A cumulative index to the weekly issues of the *Legislative Update* has been added to the *Legislative Update* page on the Worldwide Web. Bills are listed in numerical order in this index. Each bill number is followed by a list of hypertext links (in chronological order) to every reference to that bill in any issue of the *Legislative Update* during the current session, 1997-98. This is an easy way (just click on the links) to find summaries of bills introduced into the House and to follow the progress of a bill through House committees and on the floors of the House and Senate.